

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
MAY 18, 2010
6:00 P.M.**

1. The meeting was called to order at 6:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Chief Carter and Invocation was given by Councilman Portwood.

ROLL CALL

PRESENT

Mayor Pat Woolley
Vice-Mayor Nancy Olson
Councilman Christian Portwood
Councilman Phil Owens
Councilman Doug Davis
Councilwoman Cathy Maxey
Councilwoman Jan Blake

ABSENT

Councilman Dean Johnson
Councilman David Dirkschneider

STAFF PRESENT

Matt Love, City Attorney
Roger Patty, Police Chief
Rob Carter, Fire Chief
Mike Turman, Public Works Director
Scott Barrett, City Engineer
Wiley Rice, City Planner
Pamela McDowell-Ramirez, City Clerk

The Mayor offered condolences to the family of Jimmy Alexander who passed away. He told that Jimmy had served as Councilman for Ward III for several years.

2. Presentation of a 5 year pin to Fire Corporal Kyle Schroder.

The Mayor presented a 5 year pin to Kyle Schroder.

3. Call to the Public.

There were no requests to speak.

4. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #5.)
- A. Approval of the minutes from the Regular meeting of April 20, 2010. ****
- B. Approval of Expenditures ****
- | | | |
|--------------|----|------------|
| General Fund | \$ | 171,605.45 |
| PS Fund | \$ | 8,199.00 |
| E911 Fund | \$ | 1,250.00 |
| CIP Fund | \$ | 2,975.78 |
| Sewer Line | \$ | 15,000.00 |
- C. Approval of Actual Expenditures for April 2010 and Proposed Expenditures for May 2010. ****
- D. Sales Tax History Report. ****
- E. Approval to purchase a 2008 Chevy Tahoe from Kansas Highway Patrol to be used as a K-9 unit for \$18,950 with money to come from the Impound Fee Account.

Councilwoman Maxey asked to pull item E.

Motion by Portwood, second by Olson to approve items A, B, C and D. Poll vote: Owens, yea; Blake, yea; Maxey, yea; Davis, abstain; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed.

5. Discussion and possible action on items removed from the consent docket.

Item E.

Councilwoman Maxey asked why they were not purchasing the vehicle from the Public Safety Tax. The Mayor and Chief Patty stated that the reason they set up the impound fee was to allow them to have another funding source for vehicles/equipment for the Police department.

Motion by Maxey, second by Blake to approve item E. Poll vote: Owens, yea; Blake, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

Item 13 was heard after item 4.

Item 6 was heard after item 16.

6. Receive reports from Staff: Police Chief, Fire Chief, City Clerk, City Attorney, Public Works Director, City Engineer, and City Planner. ****

Councilman Portwood asked what an intoxilyzer 800 was that was on the claims list. The Mayor stated that it was the breathalyzer and the old one could not be worked on any longer and instead of taking everyone over to Bethany to be tested they purchased a new one. Chief Patty stated that they had thought they might be able to get one through a grant but that did not come through.

Chief Carter thanked the council for the purchase of the new storm sirens last year and for the storm siren monitoring system that was also purchased. He apologized to the citizens for he said that they had performed what is called a quiet test however it is not actually quiet. The siren still makes one revolution.

PWD Turman said the 63rd Street project is complete and they had fixed one area that was rough. He said that MacArthur would be done once they had dry days and it would take around 4 days to do. The storm drain pipe has been completed and they are waiting on OKC to finish with the water line work on 59th and then the overlay will get completed. He said the Grove lift station has been down and they have had many hours of overtime because there needed to be someone present at all times. He said that the pumps were running on a 3hp motor and they need 20hp motors. He said they are trying to nurse it until the city gets a grant to upgrade the lift station. The good news is they have avoided any overflows. The Mayor thanked PWD Turman for the long hours he has spent at the lift station keeping it going.

Engineer Barrett said that the plans for the lift station are a part of the grant. He said that all smoke testing is completed and the flow monitoring has about another week.

7. Public hearing and possible action on a sign variance for an electronic message board for Discount Liquor located at 5033 N Macarthur. ****

There was no one present to speak at the hearing.

Motion by Olson, second by Portwood to close the public hearing. Poll vote: Owens, yea; Blake, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

There were many questions raised about the electronic sign and where it would be placed and what size it was. There was concern about the city having too many of these signs. Councilwoman Blake stated that Edmond does not allow them at all

and OKC is working to move them back farther off the street. Chief Patty said that this issue came up about 4 or 5 years ago and there was hearing after hearing and he suggested that they might want to amend the procedure. City Planner Rice stated that OKC is going through their code and Warr Acres should let them do the work and then go from there. He said they can set controls on brightness and the rate of the flash. It was mentioned that there are already several of these signs around in the city and they might have a problem if they were to deny it.

Motion by Portwood, second by Olson to approve the sign variance. Poll vote: Owens, yea; Blake, nay; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed.

8. **Public Hearing:** Review and refer recommendations to City Council concerning a zoning change. Mr. Sergio Ceballos (owner/applicant) has applied to have his property located at 5505 NW 50th St. rezoned from C3 to C4. (Planning Commission recommendation is to deny granting the rezoning request by a vote of 4/2.) ****

Planning Commissioner Wehba stated that the paperwork read there was a warehouse on the property however it is a garage and the Planning Commissioners were handed corrected papers at their meeting. He stated that the commission did not feel that it would be in the best interest of the city to grant the re-zoning. Currently C-4 zoning is only allowed on NW Expressway and 39th Street. Allowing this piece of property, in the middle of the city, to be re-zoned would not be a good move. The applicant wants to run a towing service and only under C-4 zoning could he have vehicles impounded and held over night. Councilman Portwood asked if he would have to close and move if this was not granted the answer was yes. It was said that the proposed change would not fit the master plan and they need to stick to the plan for a good legal defense.

Motion by Portwood, second by Maxey to close the public hearing. Poll vote: Owens, yea; Blake, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

Clerk Ramirez apologized about the wording error on the item. The council could not take action on the item due to the wording. The item will be on the next agenda worded correctly.

9. Discussion and possible action to appoint two members of the City Council to serve on a committee established by the Planning Commission to review and make recommendations to the Commission regarding the Warr Acres Comprehensive Plan.

It was explained that the Planning Commission wants to take a look at the city's Comprehensive Plan to see if changes are needed or if they should leave it the way it is. Councilman Dirkschneider has already said that he wants to be on the committee. The Planning Commission members on the committee are Wehba, Curl and Godwin. Councilman Portwood spoke up saying he would like to serve on the committee. There was a long discussion about what they would be working on and that there would be several meetings. One of the issues they will be looking at is the possible re-zoning of MacArthur that was mentioned by Councilwoman Maxey a few meetings back. Councilwoman Blake stated that she would like to be on the committee. Attorney Love stated that they were specific that they did not want more than two members of the council on the committee and would like to keep the committee at five total. Councilwoman Blake stated again that she wanted to be on the committee.

Motion by Portwood, second by Maxey to appoint Dirkschneider and Portwood to the committee. Poll vote: Owens, yea; Blake, nay; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, nay.

Motion Passed.

10. Discussion and possible action on the FY 10-11 Interlocal Agreement with Oklahoma County for Reconstruct, Improve, Repair and Assist in Maintenance of Certain City Streets. ****

This is the annual agreement.

Motion by Olson, second by Owens to approve the agreement. Poll vote: Owens, yea; Blake, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

11. Discussion and possible action on a Resolution amending Section 501.1 of the Employee Personnel Policies and Procedures Manual. *Love* ****

Attorney Love stated that when the budget was passed it was approved with the \$650 in it, however the handbook was not changed.

Motion by Owens, second by Portwood to approve the Resolution (NO. 458). Poll vote: Owens, yea; Blake, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

12. Discussion of the utility billing ordinances (Title 8, Chapter 8.08 and Title 13, Chapter 13.04) including discussion of possible amendments to the utility billing ordinances to address delinquent accounts and damage to City property. *Love*

Attorney Love stated that in the Sanitation code and in the Sewer code there are two different methods for handling delinquent accounts. They need to change one or the other to make the appeals process the same. The council stated that it should be an administrative action. Attorney Love stated that he would draw up an Ordinance for the next meeting.

Item 17 was heard after item 12.

Item 13 was heard after item 4.

Since Councilman Johnson was unable to attend the meeting due to illness, his sister Barbara Harris spoke on his behalf on items 13-16.

13. A. Discussion and possible action to amend the Warr Acres Municipal Code 3.22.220 Use of Funds, Hotel tax.
- B. Approval of the emergency clause.

Mrs. Harris told the council that Councilman Johnson would like to see the money coming from the hotel room tax divided and designated for (4) specific categories. The first being equipment replacement, second retirement account pay on unfunded liability, third economic development and forth for beautification.

Attorney Love will draw up an Ordinance reflecting these changes and have it on the next agenda.

14. A. Discussion and possible action to create a new financial account called the Equipment Replacement Account.
- B. Approval of the emergency clause.

Mrs. Harris said that Councilman Johnson wants money budgeted in each department and then monthly pay rent on equipment for replacement of said equipment. The Mayor said it sounds like an accounting issue and would just require new accounts being set up. The Mayor stated that in the current budget there are some accounts that are over budget such as vehicle repairs for Sanitation and Lift Stations. He said that he wants to have a budget sub-committee meeting to discuss amendments and take a look at next year and setting up future years and funding.

15. A. Discussion and possible action to fund the Equipment Replacement Account.

- B. Approval of the emergency clause.

This item was discussed with items 13 and 14.

16. A. Discussion and possible action to amend the Warr Acres Municipal Code 13.04.060 Sewer Service Fees and Charges.

- B. Approval of the emergency clause.

Mrs. Harris explained the chart that the council had been given by Millie Vance. She said that Councilman Johnson had been in conversations with Ms. Vance and proposed a couple of different increase amounts to see where they would put the city as far as covering the cost of running the Sewer department, lift stations and sewer lines. The first was an increase of \$2.50 on the base fee and .20 cents on the per 1000 gallons of usage. This still left the city in the red by approximately \$184,000. The second proposal was for an increase of \$5.50 on the base fee and .50 cents on the per 1000 gallons of usage. This proposal would put the city in a positive by \$162,000. The Mayor stated that he wants to take time on rate increases and wants to have a Sanitation rate study done first.

Item 6 was heard after item 16.

17. A. Discussion and possible action on amending 8.08.095 amending the total cubic yards allowed during quarterly bulky waste collection. *Woolley*

The Mayor stated that prior to the changes made last year the city would pick up anything the residents placed at the curb, and this cost the city in time and money. Then last year they made changes and one of the changes was to the amount of trash that would be picked up on bulk trash day. They reduced it from everything to 4 cubic yards. Since then there have been numerous complaints and garbage left at the curb after bulk trash day. He is requesting the amount to be picked up be changed to 8 cubic yards. That would be equal to the bed of a pickup being filled to the height of the cab. This doubles what is now allowed and he feels it would take care of the problems they have had. Engineer Barrett stated that to better visualize it would be equal to 6ft by 6ft by 6ft.

Motion by Portwood, second by Olson to approve the Ordinance (NO. 1085).
Poll vote: Owens, yea; Blake, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

- B. Approval of the emergency clause.

Motion by Owens, second by Portwood to approve the emergency clause. Poll vote: Owens, yea; Blake, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

18. Questions and comments from Council.

Mayor Woolley thanked PWD Turman again for taking care of the Grove lift station. He also thanked the council for looking out for the best interest of the city. He asked everyone to remember Councilman Johnson in their prayers.

19. Any Old or New Business (“New Business”) is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”).

Moot.

20. Adjournment.

Motion by Owens, second by Portwood to adjourn. Poll vote: Owens, yea; Blake, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 7:52 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk

MINUTES

CITY OF WARR ACRES PUBLIC WORKS AUTHORITY MEETING

**TUESDAY
MAY 18, 2010
7:00 p.m.**

(Immediately following completion of the regularly scheduled City Council meeting)

1. The meeting was called to order at 7:52 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Chairman Pat Woolley
Vice-Chair Nancy Olson
Trustee Christian Portwood
Trustee Phil Owens
Trustee Doug Davis
Trustee Cathy Maxey
Trustee Jan Blake

ABSENT

Trustee Dean Johnson
Trustee David Dirkschneider

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of April 18, 2010. ****

Motion by Owens, second by Blake to approve the minutes. Poll vote: Owens, yea; Blake, yea; Maxey, yea; Davis, abstain; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed.

3. Approve payment of claim in the amount of \$64,525.15 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of April, 2010. ****

Motion by Olson, second by Blake to approve the payment. Poll vote: Owens, yea; Blake, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

4. Approval of payment of claims for the Sewer department. ****

Motion by Portwood, second by Olson to approve payment of the claims. Poll vote: Owens, yea; Blake, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

5. Adjournment.

Motion by Owens, second by Portwood to adjourn. Poll vote: Owens, yea; Blake, yea; Maxey, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 7:54 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk